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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,160	11/07/2001	Takao Gomikawa	P 284082 T4HW-01S0625-1	4887
909	7590	01/04/2005	EXAMINER NATNAEL, PAULOS M	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			ART UNIT 2614	PAPER NUMBER

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/986,160	<b>Applicant(s)</b> GOMIKAWA, TAKAO	
	<b>Examiner</b> Paulos M. Natnael	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **19-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yamamoto et al.**, U.S. Patent No. **5,786,864** in view of **Kim et al.**, U.S. Patent No. **5,561,471**.

Considering claim **19**, (New) A data reproduction apparatus comprising:

a) an input section configured to receive a RF signal which includes broadcast program information first caption character information including first character information relating to the broadcast program information, and second caption character information including second character information differing in language from that of the first character information, is met by store-and-forward transmission system 137, Fig.5, which inputs the broadcast program as well as the three caption texts corresponding to three different languages.

b) a separating section configured to separate the broadcast program information, the

first caption character information, and the second caption character information from the RF signal input at the input section, is met by the demultiplexer 138, Fig.5, which separates the caption data and the moving-picture data.

c) an AV decoder configured to decode visual information and audio information from the broadcast program information separated at the separating section, is met by the Moving picture decompressing circuit 139, fig.5 which uses an MPEG decoder. (see col. 7,5-16)

f) a displaying control section configured to display the first caption information and the second caption information, which are superimposed on the image information, concurrently without overlap, by processing at least one of the first control information and the second control information, is met by the caption superimposer 140, Fig.5 that is configured to generate "the text data...into a bitmap".

Except for;

d) a first caption decoder configured to decode the first caption information and first control information representing a displaying portion for displaying the first caption information, a display starting position, a character size, a character spacing, a line spacing, and a block for displaying one character, from the first caption character information separated at the separating section;

e) a second caption decoder configured to decode the second caption information and

second control information representing a displaying portion for displaying the second caption information, a display starting position, a character size, a character spacing, a line spacing, and a block for displaying one character, from the second caption character information separated at the separating section;

Regarding d) and e), Yamamoto discloses caption superimposer which generates "the text data...into a bitmap". Yamamoto does not specifically disclose first and second caption decoders. However, without decoding the captions and specifying where and how to display the caption, the system of Yamamoto may not function. This nonetheless is well known in the art of caption decoding and displaying. In that regard, Kim et al disclose a decoder 42 that decodes the caption data extracted by the caption signal extractor 41, caption move controller 43, caption position discriminator 44, and start line designator 45. It would have been obvious therefore to those with ordinary skill in the art at the time the invention was made to modify the system of Yamamoto by providing the caption decoder, caption move controller 43, caption position discriminator 44, and start line designator 45 of Kim et al. in order to decode and superimpose the caption data in the desired, correct position.

Considering claim 20, (New) The data reproduction apparatus according to claim 19, wherein the display control section displays the first caption information and the second caption information concurrently without overlap in respective colors that are different from each other, is met by the disclosure that "In the display of superimposed captions in moving pictures such as television pictures and movies, often the color white, of

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some brightness, is used for the captions in order to enhance readability.(col. 6, lines 51-56) ...In addition, by employing a control panel 122, the user can set display/non-display of captions, **the color of the caption display** and its position on the screen as well as the size of the characters. On the basis of the settings made, a control circuit 123 controls the superimposing operation by means of the caption superimposer 118. (col. 6, lines 63-67) [and] Apparatus according to claim 15, wherein said instruction means is capable of providing an instruction indicating **a color of the character image.**" (col. 10, lines 19-21)

Claim **21** is a method claim of claim 19 and, thus, claim 21 is rejected for the same reasons as in claim 19.

As to claim **22**, see rejection of claim 20.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 19-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Kawamura et al.**, (U.S. 6,470,141) disclose data recording and data reproducing method comprising caption decoder 31.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (703) 305-0019. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PMN  
December 29, 2004



**PAULOS M. NATNAEL**  
**PATENT EXAMINER**